REMARKS

In the Advisory Action[1], the Examiner maintained the rejection of claims 1, 3-8, 19, 21, 23, and 24 under 35 U.S.C. §103(a) as being obvious over *Barrett et al.* (U.S. Patent No. 5,699,532, "*Barrett*") in view of *Sridhar et al.* (U.S. Patent No. 6,098,108, "*Sridhar*") and in further view of *Bantz* (U.S. Patent No. 7,010,596, "*Bantz*").

Claims 1, 3-19, 21, 23, and 24 remain pending, of which claims 1, 3-8, 19, 21, 23, and 24 are currently under examination.

I. Objection to the Specification

Applicants respectfully traverse the Examiner's objection to the specification for allegedly "failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. 1.75(d)(1) and M.P.E.P. § 608.01(o)." Final Office Action, p. 4. As Applicants previously stated in Remarks filed October 22, 2009, the M.P.E.P. does not require word-for-word correspondence with the specification of the application. The specification of the instant application provides support for the claimed "computer-readable medium." By way of a non-limiting example, Applicants point to page 15, lines 15-20 of the instant specification. More specifically, see page 15 of Applicants specification, which includes examples of computer-readable media, such as "read-only memory," "random access [memory]," "magnetic, magneto-optical disks, or optical disks," "EPROM," "EEPROM," "flash memory devices," "magnetic disks," etc.

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[1] The Advisory Action and Final Office Action contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Advisory Action or Final Office Action.

Therefore, Applicants respectfully request the Examiner to withdraw the objection to the specification.

II. Rejection of Claims 1, 3-8, 19, 21, 23, and 24 under 35 U.S.C. §103(a)

Applicants respectfully traverse the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over *Barrett* in view of *Sridhar* and *Bantz*. No *prima facie* case of obviousness has been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "The mere fact that references <u>can</u> be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences <u>themselves</u> would have been obvious, but whether the claimed invention <u>as a whole</u> would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966). . . . The factual inquiries . . . [include] [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must

explain why the difference(s) between the prior art and the claimed invention would

have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1, defines a method of grid computing, including, "data

identif[ying] the . . . **computational processing requirements** of the application

process," (emphasis added). The applied prior art fails to teach, suggest, or make

obvious at least this element as recited in claim 1.

The Advisory Action alleges that *Barrett* teaches this element of claim 1, stating:

> [A] new set of exchange identification (XID) messages have been defined . . . which provide the user with a set of functions which meet basic <u>system interface requirements</u> and, in addition, provide a set of optional user-defined data areas which can be used to implement application-specific requirements, some of which will be described below, but which include the negotiation of <u>system parameters</u> and the provision of user supplied system verification (security) fields (e.g., encrypted passwords). The exchange of system parameters such as <u>buffering size</u> and <u>control, data flow direction</u> and higher level user protocol support permits efficient and rapid <u>input-output data exchanges</u>.

Advisory Action, p. 3, emphasis added. The Examiner appears to allege that the

"computational processing requirements" of the "XID messages" include "buffering size

and control, [and] data flow direction." *Barrett* describes these parameters as "interface

requirements." *Barrett*, col. 6, lines 9-10. However, these "requirements" do not relate

to a "computational processing" of the "XID messages." Further, there is no teaching or

suggestion in *Barrett* that any "computational processing" is occurring in an "XID

message." Neither the "buffering size, "[buffering] control," nor the "data flow direction"

in *Barrett* can constitute the "computational processing requirements" as recited in claim

1. Therefore, *Barrett* cannot teach, suggest, or make obvious "data identif[ying]

the . . . **computational processing requirements** of the application process," as recited in claim 1 (emphasis added).

Bantz fails to cure the deficiencies of *Barrett*. The Final Office Action relies upon *Bantz* to teach "grid computing." Final Office Action, p. 9. However, even if *Bantz* teaches "grid computing," which Applicants do not concede, *Bantz* still fails to cure the deficiencies of *Barrett*. That is, *Bantz* also fails to teach, suggest, or make obvious "data identif[ying] the . . . **computational processing requirements** of the application process," (emphasis added) as recited in claim 1.

Sridhar also fails, and is not relied on in the Final Office Action, to cure the above-mentioned deficiencies of *Barrett* and *Bantz.*

In view of the deficiencies of the references discussed above, the Advisory Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Thus, the Advisory Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn. Claims 3-8 are also allowable at least due to their depending from claim 1.

Independent claims 19 and 21, while of different scope from claim 1 and each other, recite elements similar to those of claim 1 and are thus also allowable for reasons similar to those discussed above for claim 1. Claims 23 and 24 are also allowable at least due to their dependence from independent claim 21.

For at least these reasons, a *prima facie* case of obviousness has not been established with respect to the claims and the rejection under 35 U.S.C. § 103(a) must be withdrawn.
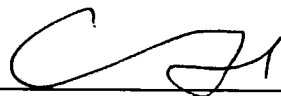
CONCLUSION

In view of the foregoing, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: June 8, 2009   By:_____
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                                   Reg. No. 61,332